



BOMBAY ACT No. I OF 1899.

An Act further to amend the Bombay Port Trust Act, 1879.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 25th May 1899.)

Bo. Act VI of 1879. **W**HEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing: It is enacted as follows:—

Bo. Act VI of 1879. 1. In the Bombay Port Trust Act, 1879, which is hereinafter referred to as the said Act, for clause (12) of section 3 there shall be substituted the following, *viz.*: **Amendment of section 3 (12).**

“(12) the words ‘Public securities’ mean:

(a) promissory notes, debentures, stock or other securities of the Government of India;

(b) debentures or other securities for money issued by, or on behalf of,—

(i) any Municipal body or any Port Trust under the authority of any Act of a legislature established in British India;

Bo. Act IV of 1879. (ii) the City of Bombay Improvement Trust under the authority of Act IV of 1898.”

2. In the said Act the first two paragraphs of section 13 shall be numbered as sub-sections (1) and (2), and the following shall be added: **Amendment of section 13.**

“(3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a shorter period than three months in the place of an absent trustee, on the application of the Board if the absentee be an elective-trustee, or at the discretion of Government if he be a nominee-trustee.” **Saving provision for acting appointment when necessary for less than three months.**

3.

[Price—1½ Annas.].

Amend-
ment of
section 14.

3. For section 14 of the said Act the following shall be substituted, viz.:

Disqualifi-
cations for
office of
trustee.

“14 (1) A person shall be disqualified to be a trustee who—

(a) is an uncertificated bankrupt or insolvent ;
or

(b) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed ; or

(c) holds any office or place of profit under the Board ; or

(d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board.

Proviso.

(2) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in—

(a) any lease, sale, exchange or purchase of immoveable property, or any agreement for the same ; or

(b) any license by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway sidings or any berth for vessels in the docks belonging to the Board ; or

(c) any agreement for the loan of money, or any security for the payment of money only ; or

(d) any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or

(e) any joint-stock company which shall contract with, or be employed by or on behalf of the Board ; or

(f)

(f) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades."

4. After section 14 of the said Act the following sections shall be inserted :

Insertion of new sections after section 14.

" 14 A. Any trustee who—

Grounds on which Trustees shall vacate office.

(a) becomes disqualified for any of the reasons mentioned in the last preceding section ; or

(b) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or without the permission of the Board from six consecutive ordinary meetings of the Board ; or

(c) acts in contravention of the provisions of the next succeeding section ;

shall cease to be a trustee, and his office shall thereupon become vacant.

" 14 B. A trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in section 14, sub-section (2), or in which he is interested either professionally on behalf of a client or as agent for any person."

Restriction on power of Trustees to vote or discuss matters in which they are interested.

5. In the said Act the first paragraph of section 15 shall be numbered as sub-section (1), and for the second paragraph of the same section there shall be substituted the following, viz. :—

Amendment of section 15.

" (2) Every trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

Fees to which trustees other than the Chairman shall be entitled.

(a)

For an ordinary meeting of the Board.

(a) Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any trustee for his attendance at all such meetings during that one week ;

For a special meeting of the Board.

(b) Rs. 30 for every special meeting of the Board convened under sub-section (2) (b) of the next succeeding section ;

For a special meeting of a Committee.

(c) Rs. 15 for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section (5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.

Proviso.

(3) The aggregate amount of fees payable to any trustee under the last preceding sub-section in respect of meetings held during any month shall not exceed Rs. 200, or such sum as may be fixed by any by-law from time to time made in this behalf."

Amendment of section 21.

6. In the proviso to section 21 of the said Act as amended by Bombay Act III of 1883, in place of the word and figure "and 6" there shall be substituted the following, viz. "(6) and (7)".

Amendment of section 22.

7. To section 22 of the said Act there shall be added the following, viz.:

Determining conditions of grant of wound pensions or compassionate allowances.

"(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed, in the execution of their duty."

8. In section 23 of the said Act for the first ^{Amend-} twenty-two words thereof there shall be substituted ^{ment of} the following, viz.: ^{section 23.}

“Subject to the provisions of the schedule for the time being sanctioned by the Board under section 21 and of the regulations for the time being in force.”

9. In section 37 of the said Act after the first ^{Amend-} sentence ending with the word “thoroughfare” there shall be inserted the following, viz.: ^{ment of} ^{section 37.}

“Provided that in respect of any such road or thoroughfare wholly constructed after the passing of this Act the Commissioner before making such declaration may further require to be satisfied that the same has been drained, and that such lamps, lamp-posts and other apparatus as in his opinion are necessary for the lighting thereof and should be provided by the Board have been so provided.”

10. After section 42 of the said Act there shall ^{Insertion of} be inserted the following new sections, viz.: ^{two new}

^{sections}
^{after sec-}
^{tion 42.}

Act IX of
1872.

“42A. (1) Notwithstanding anything in the ^{Right of} Indian Contract Act, 1872, section 45, when any ^{survivors} debenture or security issued under the provisions ^{of joint} of this Act is payable to two or more persons ^{payees of} jointly and either or any of them dies, the debenture or security shall be payable to the survivor ^{securities.} or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this Act comes into force.

“42 B.

Power of one of two or more joint holders to grant receipts.

“42 B. Where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.”

Repeal of part of section 43.

11. The last three paragraphs of section 43 of the said Act are repealed.

Insertion of two new sections after section 43.

12. After section 43 of the said Act the two following sections shall be inserted, viz. :

Scale of charges for use of dock, &c.

“43A. The Board may also frame a scale of charges to be levied—

(a) for the permission to use, and for the use of, any dock in the possession of the Board, and for services which the Board renders to, and for gear, tackle, tools, instruments, utensils, staging or materials supplied by the Board for the purpose of, any vessel using, or any person working in, any such dock ;

(b) subject to the provisions of section 68, for the use of water-boats, barges and fire-engines belonging to or maintained by the Board, and for water supplied by the Board in accordance with the provisions of section 68 ; and

(c) for the towing of, and rendering assistance of the nature referred to in clause (9) of section 68 to, vessels outside the limits of the port.

Scales framed under last two sections to be submitted to Government for sanction.

“43B. (1) Every scale framed by the Board under either of the two last preceding sections shall be submitted to Government for sanction ; and, when so sanctioned and published in the *Bombay Government Gazette*, shall have the force of law ; and, subject to the like sanction and publication, may from time to time be amended or added to by the Board.

(2)

(2) The Board may, in special cases, with the previous sanction of Government, remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section.”

Rates may be remitted in special cases.

13. After clause (5) of section 49 of the said Act the following clause shall be inserted, viz. :

Amendment of section 49.

“(6) The payment of pensions, gratuities and compassionate allowances granted by the Board to officers and servants of the Board injured, or to the surviving relatives of such officers and servants killed, in the execution of their duty.”

14. To section 50 of the said Act there shall be added the following, viz. :

Amendment of section 50.

“(4) The payment of pensions, gratuities and compassionate allowances granted by the Board to pilots and other officers and servants engaged in the pilot-service, who have been injured, and to the surviving relatives of pilots, officers and servants so engaged, who have been killed, in the execution of their duty.”

15. After section 51 of the said Act there shall be inserted the following new section, viz. :

Insertion of a new section after section 51.

“51A. (1) For the purposes of any investment which the Board are authorized to make by this Act it shall be lawful for the Board to reserve and set apart any debentures or securities to be issued by them on account of any loan to which the consent of Government has been given, provided that the intention to so reserve and set apart such debentures or securities shall have been notified as a condition to the issue of the loan.

Board may invest in their own debentures and securities.

(2) The issue of any such debentures or securities direct to and in the name of “The Trustees of the Port of Bombay” shall not operate to extinguish or cancel such debentures or securities, but

every

every debenture or security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture or security issued by the Board shall not operate to extinguish or cancel any such debenture or security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

(4) All debentures or securities of the Board heretofore purchased by, issued, transferred or assigned to, or endorsed into the names of the Trustees of the Port of Bombay, or any person on their behalf, and all debentures and securities heretofore issued by way of renewal, consolidation or subdivision of any such debentures or securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or endorsed to any other person."

Insertion of
a new section
after
section 67,

16. After section 67 of the said Act there shall be inserted the following new section, viz. :

Alternative
remedy by
suit.

"67A. Notwithstanding anything contained in the seven sections last preceding and in section 85, the Board may recover by suit any tolls, dues, rents, rates, charges, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof."

Amend-
ment of
section 68.

17. In section 68 of the said Act between clause (7) and the proviso thereto the following shall be inserted, viz. :

"(8)

“(8) the extinguishing of fires on the property of the Board, and the equipment, maintenance and use of engines for that purpose;

“(9) the equipment of vessels, steam tugs or other boats and their use as well within the limits of the Port as on the high seas beyond those limits, and whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the Port or bound elsewhere, and for the purpose of saving or protecting life or property;

“(10) the supply of water to shipping in the Port, and the equipment, maintenance and use of boats and barges for that purpose;

“(11) the extinguishing of fires in the Port, and the equipment, maintenance and use of engines for that purpose.”

18. In section 73 of the said Act, the word *Insertion*
“and” at the end of clause (g) shall be omitted; of a new
clause (h) shall be lettered as clause (i); and the clause in
following shall be inserted as clause (h): section 73.

“(h) for fixing the maximum amount of fees payable under section 15; and ”

19. For the proviso to section 78 of the said Act *Amend-*
there shall be substituted the following, viz.: ment of
section 78.

“Provided that nothing in this section shall apply to a person who is declared not to be disqualified, or to be deemed to have any share or interest in any contract or employment, by subsection (2) of section 14.”

20. In the last sentence of section 84 of the said *Amend-*
Act, between the words “authorized” and “officer” ment of
there shall be inserted the words “Dock Master section 84.
or”; the words “or of the Master Attendant’s Department” shall be omitted; and the following words shall be added at the end of the section, viz.:

“unless

...“unless the damage caused is in no way attributable to the order, act, or improper omission of such Dock Master or officer.”

Repeal of enactments. 21. The enactments mentioned in the Schedule are repealed to the extent specified in the third column thereof.

SCHEDULE.

(SEE SECTION 21.)

Enactments.	Subject.	Extent of Repeal.
Bombay Act VI of 1879.	Bombay Port Trust Act.	Section 9 to, and including, the words “in every other case.” Section 10 to, and including, the words “in every other case.” Section 21 the words from “until a schedule” to “foregoing provisions.” Section 57.
Bombay Act III of 1883.	Bombay Port Trust amending Bombay Act VI of 1879.	Section 5.